

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 1, 2002, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Steve Duvall, Gerry Krieser, Roger Larson, Patte Newman, Greg Schwinn, Cecil Steward, Mary Bills-Strand and Tommy Taylor; Ray Hill, Mike DeKalb, Becky Horner, Brian Will, Tom Cajka, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Greg Schwinn called the meeting to order and requested a motion approving the minutes of the meeting held April 17, 2002. Duvall moved to approve the minutes, seconded by Larson and carried 8-0: Carlson, Duvall, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Krieser abstaining.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **WAIVER OF DESIGN STANDARDS NO. 02006; ANNEXATION NO. 02002; CHANGE OF ZONE NO. 3353 and PRELIMINARY PLAT NO. 02001, ASHLEY HEIGHTS 1ST ADDITION.**

Item No. 1.2a, Annexation No. 02002; Item No. 1.2b, Change of Zone No. 3353; and Item No. 1.2c, Preliminary Plat No. 02001, Ashley Heights 1st Addition, were removed from the Consent Agenda and scheduled for separate public hearing at the request of Mark Hunzeker.

Steward moved to approve the remaining Consent Agenda, seconded by Carlson and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

ANNEXATION NO. 02002;
CHANGE OF ZONE NO. 3353
FROM AG AGRICULTURAL TO R-3 RESIDENTIAL;
and
PRELIMINARY PLAT NO. 02001,
ASHLEY HEIGHTS 1ST ADDITION,
ON PROPERTY GENERALLY LOCATED
AT N.W. 48TH STREET, ½ MILE SOUTH OF
WEST ADAMS STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Approval of the annexation and change of zone, and conditional approval of the preliminary plat.

These applications were removed from the Consent Agenda and had separate public hearing at the request of the applicant's attorney, Mark Hunzeker.

Proponents

1. Mark Hunzeker appeared on behalf of **M&S Construction**, and requested amendments to the conditions of approval.

Hunzeker requested that Condition #1.1.2 be deleted regarding stormwater detention. The staff report indicates that Public Works has reviewed and approved the detention as provided, and Hunzeker believes it is inappropriate to require that this application not proceed to City Council until the detention has been reviewed by the Airport Authority.

Hunzeker submitted proposed amendments to Conditions #1.1.4 and #3.2.3.1:

- | | |
|---------|---|
| 1.1.4 | 66 feet of right-of-way should be dedicated and 33 feet of pavement built between N.W. 46th <u>N.W. 47th</u> and N.W. 48 th Streets to the satisfaction of the Public Works and Utilities Department. |
| 3.2.3.1 | Left and right turn lanes on N.W. 48 th Street at Thatcher for northbound right turns (if feasible, as determined by the Public Works and Utilities Department <u>after consultation with developer's engineer</u>) and southbound left turns into this property. |

Hunzeker indicated that the developer has reached agreement with Public Works relative to providing a collector street width for Thatcher extending one block east of N.W. 48th and tapering down to a 27' width prior to its crossing the culvert that runs across Thatcher east of N.W. 47th Street. There is some question as to the feasibility of providing right turn lanes in N.W. 48th; hence the proposed additional language that those will be required, if feasible, as determined by Public Works.

There was no testimony in opposition.

Steward asked staff to respond to the proposed amendments. Dennis Bartels of Public Works agreed that the amendments clarify that to which he has already agreed.

Public hearing was closed.

ANNEXATION NO. 02002

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2002

Steward moved approval, seconded by Larson and carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.

CHANGE OF ZONE NO. 3353

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2002

Carlson moved approval, seconded by Duvall and carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.

PRELIMINARY PLAT NO. 02001

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2002

Steward moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Duvall and carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.

SPECIAL PERMIT NO. 1971

FOR A WIRELESS FACILITY

ON PROPERTY GENERALLY LOCATED

AT NO. 56TH STREET AND CORNHUSKER HIGHWAY

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Deferral in order to eliminate the possibility of collocation at the Goodyear plant.

Proponents

1. Terry Jones, the applicant, understands that the staff is recommending deferral due to the possibility of collocating on the Goodyear Plant. Jones indicated that he has researched this and has contacted Goodyear but has not received a written response from the engineering manager. He would prefer to proceed with this permit and he will provide the letter from Goodyear when it is received. He did have a verbal conversation with Goodyear and it does not appear that it will be possible to collocate.

There was no testimony in opposition.

Brian Will of Planning staff acknowledged that the recommendation of deferral is based upon the requirements of the ordinance that the applicant eliminate all possibilities for collocation in the area. Several of those opportunities have been eliminated; however, the Goodyear site exists and the applicant has been requested to address the Goodyear site. The staff understands that the applicant has been working with Goodyear; however, staff believes that review should take place with a response in writing for the record.

The applicant indicated he would not oppose deferral.

Carlson moved to defer, with continued public hearing and administrative action scheduled for May 15, 2002, seconded by Newman and carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.

COUNTY SPECIAL PERMIT NO. 194,
STEVENS CREEK ESTATES COMMUNITY UNIT PLAN
and
COUNTY PRELIMINARY PLAT NO. 02010,
STEVENS CREEK ESTATES,
ON PROPERTY GENERALLY LOCATED
AT NO. 190TH STREET & HAVELOCK AVENUE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Steward and Schwinn (Krieser declared a conflict of interest).

Staff recommendation: Conditional approval.

Proponents

1. **Brian Carstens** presented the application for an AG cluster at 190th and Havelock. The west line of the property is the county line. This subdivision will be served by Cass County Rural Water with individual septic systems. The applicant is requesting the standard waivers of street trees, sidewalks and landscape screens along the arterial roads because the property is not being annexed and each lot is greater than one acre.

Carlson noted a letter from the University of Nebraska-Lincoln with concerns about the existing research farm, Rogers Memorial Farm. The University wants to be assured that residential development in the area does not compromise their ability to carry out the University productive research programs on this farm in the future. Carstens believes everything identified in the University letter are typical farming issues. There are notes on the plat and the covenants that acknowledge that this is a rural area and will be subject to nuisance noise and possible smells. Carstens suggested that all items discussed by UNL happen everywhere in the county. The security issue is the only one he cannot deal with. Carstens also pointed out that they could develop four homes whether the CUP is approved or not.

Steward inquired as to the proximity to the East Beltway route. Carstens believes it is a couple miles. The beltway is at 124th. This development is at 190th.

Opposition

1. **Glenn Hoffman**, Professor of Biological Systems Engineering at UNL, referred to the letter sent by the Vice Chancellor for Business and Finance of UNL. He wanted to make sure that everyone understands that to the south of Havelock is a University research farm where they do not always do conventional type farming. Sometimes the activities might be judged as less than appropriate farming as the University tries to do comparisons. For example, the University is one of the first to do conservation no-till research. Sometimes they do clean-till, which is considered less than conventional or traditional. There are plots subject to drift of dust or chemicals. The same would apply to livestock waste. The University will put on the best treatments, but for control there might be less than ideal conditions which could cause odor to the neighbors. The University does not want to have their research objectives jeopardized. The University is also somewhat concerned about drainage from this property. If fill is brought in to bring elevation up, the University is hopeful that proper surface drainage is provided to prevent drainage on the research farm. If the roadside ditches are properly maintained or natural drainage is enhanced, he does not believe it should be a problem.

Another item of concern expressed by Hoffman is that septic systems for individual homes can be a problem on the types of soils found in that area. The University has been working on wetland research as a way to treat wastewater from households. He suggested that the developer take a look at this research to enhance his disposal problems.

Hoffman acknowledged that there is a farm house on the research farm, the tenant of which serves as custodian and security for the farm. He is not aware of any complaints from neighbors.

Response by the Applicant

Carstens took note of the concerns of UNL. He indicated that they have basically brought the road in on top of the ridge lines. The only grading that will occur is around the foundations.

As far as the Rogers Memorial Farm is concerned, Carstens would not object if the Planning Commission wanted the developer to identify that there is a research facility adjacent to the property. Steward believes it might be advisable if it is a special use condition that creates a different environmental circumstance than one might find from a normal farming operation.

Public hearing was closed.

COUNTY SPECIAL PERMIT NO. 194

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Larson and carried 8-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Steward and Schwinn voting 'yes' (Krieser declared a conflict of interest).

COUNTY PRELIMINARY PLAT NO. 02010

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Bills-Strand.

Steward moved to amend to add a condition that the developer notify potential property owners of the unique nature of the neighboring farm operation, seconded by Newman.

Carlson believes this subdivision is perfectly appropriate. In general, this location is outside of the proposed Tier III area so it is an appropriate location for acreages.

Motion to amend carried 8-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Steward and Schwinn voting 'yes' (Krieser declared a conflict of interest).

Main motion for conditional approval, as amended, carried 8-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Steward and Schwinn voting 'yes' (Krieser declared a conflict of interest).

ANNEXATION NO. 02001;
CHANGE OF ZONE NO. 3355,
FROM AG AGRICULTURAL TO R-3 RESIDENTIAL;
SPECIAL PERMIT NO. 1959,
PRAIRIE VILLAGE COMMUNITY UNIT PLAN;
and
PRELIMINARY PLAT NO. 02003,
PRAIRIE VILLAGE,
ON PROPERTY GENERALLY LOCATED AT
NO. 84TH STREET AND ADAMS STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Denial.

Becky Horner of Planning staff submitted additional information, including a copy of a letter to Jim Titus responding to his concerns about the zoning request, and a revision to Condition #1.16 of the preliminary plat, at the request of Parks and Recreation:

Revise the preliminary plat to show a trail along the drainage easement to the satisfaction of the Parks and Recreation Department.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Prairie Homes**, the developer. They have been working on this project for quite some time. This project involves mostly residential land. Some of it will eventually be developed as commercial. It is located generally at the corner of 84th & Adams and extends south along 84th to Leighton. The notch out of the L-shape is a 40-acre tract that is owned by LPS for a future elementary school site. The sewer for this property is the round-about sewer main that was built to serve the Regents Heights II subdivision and which runs somewhat diagonally across the site from northeast to southwest. The low end of the property is at the northeast and the developer is in the process of coming to an agreement with LPS to grade this developer's site using dirt from the LPS site in order to facilitate both the construction of sewer and the elevation of property on this developer's site to be served by that sewer, as well as providing cover for the sewer that will serve the school site.

Hunzeker advised that the developer reached a point where they could not agree with the staff and it was determined that this proposal needed to be moved on to the Council for guidance as to the precise cost-sharing arrangements for some of the off-site improvements.

Hunzeker submitted proposed amendments to the conditions of approval set forth in the staff report. With regard to the annexation, the staff report suggests that the applicant must sign an annexation agreement to the satisfaction of the City prior to being scheduled on the City Council agenda. Hunzeker requested that the recommendation on the Annexation read: "Approval, subject to a signed annexation agreement to the satisfaction of the City of Lincoln." This allows this proposal to get to the City Council for a decision on the terms of that annexation agreement without being "held hostage" to getting scheduled on their agenda.

With regard to the preliminary plat, Hunzeker requested the following amendments:

--Move Condition #1.4 from Site Specific to #3.3 under General conditions. This condition requires "Improvements to the drainage channel in Outlots A, B and C to the satisfaction of the Public Works & Utilities, Parks and Planning Departments." Hunzeker is not quite sure what this condition means. Some staff in some city departments would prefer to maintain these channels as natural drainageways, which is this developer's preference, and some staff in other departments would like to see concrete liners placed in these channels. This developer's environmental consultant has indicated that there are wetlands in the bottom of that channel all the way across the site, so the developer does not want to get into the process of disturbing it and pouring concrete if it can be avoided. Hunzeker is requesting that this condition be moved to give the developer an opportunity to work with the staff as to how to deal with that channel while this plat proceeds to the City Council rather than a final conclusion having to be made before the plat is even scheduled on the Council agenda. Hunzeker believes this can be worked out as long as everyone understands the ground rules and the environmental conditions. The developer does not yet have a final report from their environmental consultant. However, thus far it does indicate wetlands through that channel and the developer wishes to maintain it as a natural drainageway. There is not enough additional drainage going into it from this project that it will make any difference.

--Delete Condition #1.6. This condition refers to pedestrian easements and the comment by Public Works relative to the grade of the walkway easements that go through the middle of blocks. Hunzeker believes this development can meet the sidewalk design standards. This developer is willing to meet the design standards and would request that this condition be deleted.

--Amend Condition #1.16: Revise the preliminary plat to show a trail easement note along the drainage easement. Add a note indicating that a 20' wide trail easement will be dedicated in a location acceptable to the Parks and Recreation Department. This language has been agreed upon with the staff.

–Delete Condition #1.7. “A note on the plan indicating that there shall be interim turn lanes in Adams Street until Adams Street is improved to an arterial standard.” Hunzeker indicated that this is a big issue and one that brought the developer here in disagreement with the staff relative to an annexation agreement. Adams Street is a two-lane paved county road as it abuts this subdivision. Within the last year, Public Works has decided that it is now city policy to require every subdivider that abuts a section line road to pay for a share (which started out some time ago to be 25%, and now seems to be 50%) of what they are calling a “suburban cross-section roadway on section line roads”. This developer got to the point where they were reluctantly in agreement to fund half of the cost of building that 3-lane suburban cross-section. Then the city staff said they did not have the money to build the rest of it so this subdivider would have to wait. In the meantime, the staff suggested left turn lanes that come into this subdivision in two places on Adams. Hunzeker pointed out that the new proposed Comprehensive Plan shows that there is nothing in the way of urban development east of this site until you get further south, so there will be no urban development to the east of this subdivision for a very long time. This developer does not believe there is or will be sufficient traffic any time soon for there to be a need for left turn lanes for westbound traffic coming into this site. Staff is also wanting right turn lanes to go into this site. Again, Hunzeker submitted that there is no justification for these right turn lanes. If we are required to pay for that, then this developer should get credit for that against the cost of the developer’s share of the off-site improvements in Adams Street. The answer to that was “no” by city staff.

Hunzeker explained that this proposal needs to be presented to the City Council to get resolution of this issue because it is not the Planning Commission’s responsibility to determine the cost-share; however, it is a condition that is placed on the plat. Council may decide that this is a requirement, but it is inappropriate to ask the Planning Commission to impose this requirement.

–Delete Condition #1.19, which denies the waiver request to have double frontage lots. Hunzeker pointed out that the only double frontage are along what is shown as Leighton Street (which is a gravel road at this point and eventually will be a collector street). There is a power line that runs along Leighton that will run through the front 20-30 feet of these lots (or the rear 20-30 feet as now configured). This developer is requesting to have the double frontage lots on Leighton and another street so that the front yards can face the interior local street and relinquish access and have rear yards facing Leighton. This is the configuration that the city requires on all major streets. It is one which in this circumstance makes sense in that it eventually could become a busier street because of the commercial traffic that will be generated by development immediately across the road to the south, which area is designated as commercial in the Comprehensive Plan.

–Amend Condition #2.5 to allow double frontage lots: “A modification to the requirements of the land subdivision ordinance to permit non-radial lot lines and double frontage lots.”

–Amend Condition #3.2.8: “To relinquish the right of direct vehicular access to North 84th Street and Adams Street except as shown on the site plan, to serve Lot 24, Block 9.” The site plan does not show any access into the church site. Hunzeker is requesting to add Lot 24, Block 9 to Condition #3.2.8 to allow access to Adams Street as it has been shown and agreed upon.

Delete Condition #1.1.2 of the Community Unit Plan: “Revised ‘proposed park’ and ‘proposed playground’ as ‘open space’”. Hunzeker stated that this was requested and shown, and now it is requested to be removed. This developer wants to leave it alone. The developer is not opposed to showing a recreation area in accordance with the CUP design standards.

Hunzeker requested the Planning Commission’s approval so that this proposal can be moved on to the City Council for their decision. There are numerous references in the staff report that this property is in Phase 3. Hunzeker pointed out that this is not going to be in Phase 3 by the time it reaches the City Council. It is going to be Phase 1, Priority 1, and it meets all of the criteria for Phase 1.

2. Mark Hannemann, testified on behalf of Faith Lutheran Church and School. There were 21 fourth grade students in the audience from Faith Lutheran School. The Church has been in the process of relocating the church and school for six years. They are very excited to see this development come around them. They are in the construction process at this time. The original intent was to be done by June 15, but that has been delayed. Their biggest concern is the timing of city services/annexation and they are in full support of moving forward with this process. It impacts the church and school in many different ways, not the least significant of which is city water. It will cost about \$100,000 to do the well, tank, sprinklers, etc., if the property is not annexed, and it would have to be abandoned within 6 months once annexation did occur. The church is anxious to pay its fair share of the improvements in this new neighborhood, but they are most anxious to see things move forward.

3. Stu Tietz, Principal of Faith Lutheran School, testified in support of the expeditious annexation of the property. The current Faith Lutheran School facility is currently being vacated because it has been sold and they are anxious to move to the new site as soon as possible. The school is relocating to temporary facilities at this time. They realize that annexation is inevitable. There is a sewer line running parallel to Adams Street on the church property that is ready to be hooked up and used; however, they cannot access this sewer until annexation occurs.

4. Nancy Thypambil, teacher of the 4th Grade students at Faith Lutheran School, testified in support. These kids are really concerned. They have no place to go this fall. They must move out of their current building by June 15th. They need the help and action by the Planning Commission on this annexation as they do not know where they are going to go to school this fall. She pointed out that the private school teachers and parents pay taxes for the public schools and take a burden away by having their children in private schools.

Opposition

1. Jim Titus, appeared on behalf of **Jonathan Welles**, the owner of Lot 90 in the NW 1/4 of 14-10-7, shown on the plat as Lot 2, Block 11. Welles objects to the change of zone on his property. It came as a surprise that the property would be R-3 rather than AG until such time as it would be developed as commercial. This property owner is opposed to R-3 zoning.

Schwinn asked for staff response to the proposed amendments to the conditions of approval.

Dennis Bartels of Public Works noted that one of the issues was the sidewalks. He believes that Condition #1.6 in the staff report related to his comments about steps on the sidewalks. The applicant had indicated that the public sidewalk was too steep and would need steps. Bartels comments were to the effect that steps are not allowed in the public sidewalk system. The point of his comment was that the grades will need to be adjusted or the easement location moved.

With regard to the drainage issue, Bartels stated that the staff is not advocating necessarily that the channel be regraded and lined with concrete. His comments were related to the design standard requirement that they prove that the channel is stable and can be maintained. Condition #1.4 is requesting that they go through the calculations, tell us the soil type and show us what stabilization needs to be done to assure that the channel will look similar to what it is looks like today. The development of this property will increase the runoff to the channel and we want to make sure it is going to be maintained as a natural channel and not a future problem to the property owners.

Bartels agrees that the church can have the driveway on Adams Street (Condition #3.2.8).

With regard to the off-site improvements, Bartels indicated that these are issues that need to be settled in the annexation agreement that is being negotiated. Bartels will be satisfied as long as the final approval is in conformance with the annexation agreement.

Schwinn did not have a problem with approving this subdivision subject to an annexation agreement, even though it has not yet been agreed upon. Obviously, the annexation agreement needs to come forward to the City Council and it is up to the City Council to make that decision.

Carlson referred back to Condition #1.6 regarding the pedestrian easements. He asked staff to further clarify whether this condition could be deleted. Bartels stated that he does not know the wishes of the applicant, but the plan submitted had a statement in it that steps would be required because of the grade and he was attempting to point out that city requirements do not allow steps in public sidewalks. Bartels is just saying that the plan that is approved needs to eliminate the need for steps.

Carlson inquired about the double frontage lots on Leighton. Bartels indicated that to have been a Planning Department request.

Steward noted that the staff recommendation is for denial across the board. He is presuming that is primarily because of the CIP misfit with the strategy for getting the utilities in place according to the Comprehensive Plan and the CIP. Becky Horner of Planning staff concurred, including the arterial roadway.

Steward further commented that we have gone to great lengths in the new proposed Comprehensive Plan (which has not yet passed City Council and County Board) to provide a strategy to bring the CIP program planning more in line with the Comprehensive Plan. Here we have a classic case of a development being ahead of a piece of the critical planning for the city, which he does not see a huge problem with if it can be ultimately approved by the City Council. But we are bringing this CIP process forward this next month into the purview of the Planning Commission. If we take action on this proposal now, it seems like even before we start on this new policy, we are violating it. It is not so much in his opinion a question of whether this is a technically correct or viable proposal. It is that it is totally out of sync with our current fiscal and physical planning. Horner concurred.

Newman sought guidance on how to deal with Lot 90. Horner stated that if the zoning of this lot is not changed to R-3, it makes it difficult for the developer to final plat. Schwinn inquired what zoning an acreage becomes once it is annexed into the city. Ray Hill of Planning staff stated that if an area is brought into the city and the configuration of the lot is not being changed, the lot can remain zoned AG. This particular plan changes the configuration of the lot and therefore is no longer sitting there undivided. The proposal is to do a street and subdivision of that lot as it now exists. By doing that it is no longer sitting there by itself. If they were not running a street through that property it could remain AG. But this proposal is actually showing a street carving through Lot 90 and changing the configuration of that lot. That is why the staff is saying that it should be changed to R-3 so that we are not creating a lot that does not meet the minimum lot area requirements of AG (20 acres). There has been some

discussion about this being a farmstead. It was a farmstead as long as it had 20 acres. But once reduced from 20 acres, it is no longer considered a farmstead.

Schwinn asked about the implications of R-3 zoning versus AG. Hill suggested that there may be a valuation change but that would have to be answered by the County Assessor. There will be some valuation change once it is annexed as well.

Bills-Strand wondered why this lot could not be deemed commercial now. Hill stated that it requires a change of zone request from AG to some commercial zoning. Hill was not sure it would be big enough for B-2 (5 acres). Horner believes that the Welles lot is 5 acres, but it would be less than 5 acres with the street running through it.

Newman is concerned because the owner of Lot 90 does not want it changed and this development is putting a road through his property. Hill concurred. The road goes through the side of his property. Bills-Strand believes this lot is shown as a future commercial site. Hill concurred, stating that there are a lot of other conditions that we have agreed upon at such time as they come in for the commercial zoning. But the proposal today is not to rezone that individual's lot other than to R-3. It can be rezoned to commercial in the future. The R-3 proposed works; however, the owner is objecting to the R-3 zoning.

Carlson inquired whether the balance of the irregularly shaped tract is remaining AG. Horner stated that it will remain AG, and she understands that the developer plans to final plat the road right-of-way with that lot so that it will meet the area requirement for AG.

Schwinn believes this lot can be left zoned AG because it is contiguous and in a normal zoning pattern. However, Horner pointed out that based on the design proposed, they would not be able to final plat that portion. Horner believes that the Welles lot actually does go on the other side of the road right-of-way. Schwinn wonders whether leaving the Welles property AG would affect the school. Horner indicated that they may not be able to final plat the church lot in that event.

With regard to the CIP issues, Bartels of Public Works clarified that there is no major impact to the water and sanitary sewer CIP. The CIP implications we are talking about are the street system.

Response by the Applicant

Hunzeker believes that since the Welles lot is a legally created lot of approximately 5 acres or less, it is not only possible but legal and proper to allow this subdivision to take place without rezoning his property. He believes it could remain AG. But that has not yet been confirmed by the City Attorney. The Welles property was properly subdivided into that size lot as a farmstead and what we are proposing to do with it today is not to change it to a smaller

lot. It is to simply change its configuration and leave it the identical size that it is today. The parcels that are being exchanged in that transaction between the church and Mr. Welles are two and they are exactly the same size. The proposed street is an existing easement because of an agreement that was a condition of the sale of the property to the church and there is a requirement that it will become a public street upon annexation. This is no surprise to Mr. Welles. The concern has arisen on the part of a potential buyer of the Welles property. He does not believe there is an existing agreement to purchase that property. But the existing agreement for annexation provides that the access easement shall be dedicated as a public street. Hunzeker believes it is legal for the city to leave the Welles property alone and go forward.

With regard to the fact that this is supposedly out of sync with the CIP, Hunzeker disagrees. They have reached agreement on water and sewer and he believes they are within a couple of issues of being in agreement on the off-site street improvements. This is not out of sync. The city built a sewer to serve this area in violation of its own policy. It has been developing for several years on the west and on the east side of 84th Street. It's ready. It meets the criteria of the existing plan to be Phase I. In the new plan it is or will very soon be Tier I, Priority I, so we are not out of sync. If it is out of sync, Hunzeker suggested that it represents a colossal failure of planning in this community. The improvements in 84th Street have already been made to serve this site. It should not be this developer who suffers. In virtually every case where you have been extending utilities and annexation at the fringe, the agreements have provided for payment of money or installation of improvements that the city doesn't presently have and those things are coming on after the project is well underway. Concurrent installation of public improvements and development is only critical as it relates to water and sewer. If you have good access, the ultimate construction of the boulevard roadway is not something critical on day one.

Regarding Condition #1.1.3 on the community unit plan, Hunzeker is not sure why the maximum building height waiver is not being granted. There is a comment in the staff report that the applicant had requested a waiver with respect to the apartment buildings in order to provide underground parking on the back sides. If there is a need to put something on the site plan to show that, Hunzeker would be happy to do so. He requested that Condition #1.1.3 be amended:

Maximum height of 35' is not waived, not to exceed 50'.

If this waiver is approved, the applicant will add a note to indicate that there will be parking in the lower level of those buildings. The site plan on p.103 shows the buildings which are in the northwestern corner of the site. This area was originally shown to be commercial and the staff report correctly indicates that placing residential here is a good thing because it breaks up

the commercial strip on the east side of 84th. The grade of that site drops significantly from Leighton down to the drainageway and as we step down, the proposal was to provide some parking in the lower level of those buildings.

Steward indicated that Hunzeker has answered his question concerning water and sewer and the CIP. But, he pointed out that Hunzeker began his presentation by saying there was disagreement on the cost of the roadway and the city did not have funds. Where are the funds going to come from? Hunzeker responded, stating that this is very much the same as every other project that comes along. For example, but for the fact that it was already developed on the west side, Thompson Creek was approved where that developer agreed to pay for half the cost of that suburban section abutting Thompson Creek on the west. The other half is going to have to come from somewhere in the Public Works Dept. And just a few minutes ago, the Planning Commission approved Ashley Heights 1st Addition with frontage abutting N.W. 48th Street and we're not going to the three-lane suburban cross-section there.

Public hearing was closed.

ANNEXATION NO. 02001**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 1, 2002

Duvall moved approval, subject to a signed annexation agreement to the satisfaction of the City of Lincoln (as requested by the applicant), seconded by Bills-Strand.

Duvall believes it is appropriate to let the City Council be the final arbiter of the decision. Carlson commented that when something comes forward with a lot of unanswered questions, he believes the Planning Commission should "hang on" and keep the parties discussing. This seems to have a lot of unanswered questions.

Schwinn's comments were that there is a church and school ready to be built; they have utilities on their property; and if we don't annex they don't have the ability to use the utilities that are actually on their property. It is ludicrous to not move forward with this annexation. This is a wonderful school system and there is no need for us to have them create additional utilities that may need to be abandoned within six months. Let's get them in. We'd do it for LPS in a heartbeat.

Steward does not have a problem with the annexation primarily because it is in fact in Tier I, Priority 1 of the new Comprehensive Plan, and he believes it is true that it is ready. What he does have a problem with are all of the rest of the details about the proposed development and the lack of congruence with the CIP. Steward stated that he will support the annexation, but that is as far as he will go today.

Motion for approval, as amended, carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.

CHANGE OF ZONE NO. 3355

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2002

Duvall moved approval, deleting the Welles property (Lot 90 in the NW 1/4 of 14-10-7, shown as Lot 2, Block 11, of the Prairie Village Preliminary Plat) leaving it zoned AG, seconded by Larson.

Schwinn believes leaving this AG is totally appropriate. We have AG within the city and it is contiguous with AG. It does not put the owner in a bad position of having R-3 zoning where the rest is proposed to be future commercial. It allows him the freedom to negotiate with the commercial use.

Steward believes it creates a problem from a timing circumstance. He believes this creates a really difficult planning issue as far as the school and church are concerned. A school needs rooftops and rooftops need a school. Schools buy cheap land and the rooftops follow. We continue to get the low density development at the edges because of this independent advance planning that goes on. The church is somewhat in the same position. Both of these entities have a community responsibility to pay more attention to the Comprehensive Plan and to the city's ability to support them in the services that they need. This is mitigated to a large extent because this area has been included in the new Comprehensive Plan and ultimately it is going to be developed. But there is a set of principles in planning that need to be more carefully followed.

Schwinn disagreed because the analysis suggests that this complies with the old and the new Comprehensive Plan. We have apartments and commercial that we are showing there in the new Comprehensive Plan. He believes it is sound principles of planning.

Motion for approval, deleting the Welles property from the change of zone request, carried 5-4: Duvall, Larson, Bills-Strand, Krieser and Schwinn voting 'yes'; Carlson, Taylor, Newman and Steward voting 'no'.

SPECIAL PERMIT NO. 1959

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2002

Duvall moved approval, with the conditions as set forth in the staff report dated April 9, 2002, with the amendments as requested by the applicant (delete Condition #1.1.2 and amend Condition #1.1.3), seconded by Larson.

Duvall finds it disappointing that the developer gets this far and then is held hostage because of the road network. He believes the city should come up with the match. This is coming out totally wrong. The city should have a better process for the road system so that we do not have this needless exercise.

Steward challenged Duvall's comments stating that there is a process and he believes if there is closer coordination with the process that exists, we will not have the disconnect. This is a reasonable development from the point of view of looking at the plat and the layout. It looks like it has many of the components that the new Comprehensive Plan is calling for. It is unfortunate that we suggest that this resolution be placed before the City Council and that we can't find a way to be more strongly supportive of it here. Nevertheless, Steward contends that it is out of phase and out of sync.

Taylor supports this concept and the purpose of the application, but he is having difficulty. He wishes this could be deferred because he is questioning the wisdom of his decision either way. He is torn about making a decision on this. He understands the problems and the challenges and he definitely wouldn't want the development to be thwarted. But, in terms of the Comprehensive Plan and keeping in line with that CIP, this makes the decision very difficult.

Motion for approval, with conditions, as amended, carried 6-3: Taylor, Duvall, Larson, Bills-Strand, Krieser and Schwinn voting 'yes'; Carlson, Newman and Steward voting 'no'.

PRELIMINARY PLAT NO. 02003**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 1, 2002

Duvall moved approval, with the conditions as set forth in the staff report dated April 9, 2002, with the amendments requested by the applicant, seconded by Larson.

Carlson indicated that his previous comments still stand. He is still concerned about deleting Condition #1.6 regarding the pedestrian easements. Schwinn believes that the public sidewalk must meet ADA standards and they cannot have steps to meet these standards. The preliminary plat does show easements for public sidewalks, so therefore they have to meet the standards. There will be grading involved and maybe an S-curve. He believes it is covered without Condition #1.6.

Motion for approval, with conditions, as amended, carried 5-4: Duvall, Larson, Bills-Strand, Krieser and Schwinn voting 'yes'; Carlson, Taylor, Newman and Steward voting 'no'.

CHANGE OF ZONE NO. 3364,
TEXT AMENDMENTS TO TITLE 27;
MISCELLANEOUS NO. 02002,
TEXT AMENDMENTS TO TITLE 26;
and
MISCELLANEOUS NO. 02003,
TEXT AMENDMENTS TO THE CITY
OF LINCOLN DESIGN STANDARDS,
TO GENERALLY ADOPT “STANDARDS
FOR ARTERIAL STREETS 120' OR MORE
IN WIDTH”

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Approval.

Ray Hill of Planning staff suggested that the Planning Commission defer this hearing for two weeks since it is such a large report. This would give the staff an opportunity to provide the Commission with a briefing on this legislation.

Hill explained that the purpose of this legislation is to adopt standards for arterial streets of 120' in width or more. This concept is part of the present Comprehensive Plan and applies to the outer fringe growth area street system. One of the purposes of this legislation is to improve the appearance of the city on the outer fringe areas. This legislation takes that concept and puts it into the ordinances and design standards. This legislation also includes:

--a proposal to require the construction of sidewalks in single family and two-family homes along local streets and collector streets at the time of building permit, which is the practice followed today.

--proposed changes as to timing when sidewalks would be constructed along the major streets.

--proposed amendments to parking lot design standards to require screening along the front of the parking lots to require an area that would be free of parking.

--proposed amendments to design standards relating to the fencing that we see along our major streets. There has been a concern about the appearance of the solid stockade fences.

--proposed new design standards that deal with the medians, turn-about, etc. for which we do not presently have design standards.

Larson moved deferral, with continued public hearing and administrative action scheduled for May 15, 2002, with anticipation of a pre-meeting briefing on May 15, 2002, seconded by Taylor and carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.

Opposition

1. Peter Katt appeared on his own behalf. He acquired a copy of the report last Friday and read through it last night. This is nothing new. It has been out there for quite awhile. He believes the deferral is important but believes it is also important to give his perspective on how the Commission might reflect upon this legislation in the next couple of weeks. "I look at it and ask, what's it for?" The simple answer he has is that it makes roads wider and prettier. Why? How much does it cost? Who is going to pay for it? Can we afford it? Do we need "yellow brick roads" on every section line? Is it worth it? Let's do a cost/benefit analysis. "The bottom line, where the rubber hits the road, is show me the money." In the last item on today's agenda everyone was wringing their hands over the fact that we didn't have some roads that should have been in the CIP for the last six years. The City doesn't have money to build the roads that we need, much less the yellow brick paved roads that this plan proposes. He does not know if the community can afford it. It would be nice, but can we afford it? Ask yourself as you look at what kind of roads we are going to build, what do we need it to do? Is it worth it and can we afford it?

2. Mark Hunzeker stated that there is no reason on earth to continue having sidewalk bonds. The sidewalk bonding requirement is an anachronism. The sidewalks get built by the buyer or the builder of the house. They can be made a condition of occupancy. The city has authority to order in sidewalks. There is no need for even bonding 25%. The city has the authority to order, build and assess for sidewalks without any further authority. The same is true of street trees. When street trees are required to be installed on lots just because there happens to be a bonding requirement, they end up being in the middle of where people want to put driveways. Hunzeker believes street trees should be a requirement of the building permit process, eliminating a tremendous amount of bureaucratic red tape that is difficult to work through.

Hunzeker believes that parking in the front yard setbacks is an issue that needs to be addressed. There are a lot of older areas, particularly B-1, that allow for parking in the front yard which will never be redeveloped if, as a condition of approval, they are going to have to give up 12 feet of that front yard. It is unfortunate to come back through after the fact and impose requirements that make it difficult to keep those areas vital.

With respect to design standards, Hunzeker referred to the pictures on pp.177 through 181, which show what the cross-sections of these roads will look like. These pictures speak thousands of words about why lot prices are going up faster than construction costs or inflation. Amendments to the street tree design standards are found on pp.185-194, and Hunzeker does not understand the necessity. The only things he sees being added are the colors of the flowers on some of the trees. He never knew that it was illegal under the design standards to have red flowering trees and white flowering trees in the same block. Who has time to do this?

There are a number of things having to do with the streetscape and screening requirements which he does not understand. We added screening requirements in 1979 and the purpose was to require that people's rear yards be screened from the street to provide a noise and visual barrier. Now, apparently we are turning around and viewing from the street side saying we do not want to look at people's houses and fences. It is a tremendous amount of expense that will be borne by those lot buyers and those are the most difficult lots to sell. It is a cost imposed with no coinciding benefit.

3. Craig Groat showed photographs of what he believes can be possible for quality development if you have quality controls. One of the primary elements of quality of life are the aesthetics of the city. Quality setbacks and requirements add tremendously to the price and value of the properties. But you have to have business people that understand the benefit. The pictures included industrial, commercial and office areas. Atlanta has one of the most respected tree preservation ordinances and many other cities have copied it. They feel that it is one of the primary elements of their economic growth. Groat believes there must be quality controls, including setbacks, street trees, etc., to have a beautiful quality city with quality jobs.

SPECIAL PERMIT NO. 1961
FOR MATERIAL AND EQUIPMENT STORAGE
ON PROPERTY GENERALLY LOCATED
AT YANKEE HILL ROAD AND CORAL DRIVE.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

Mike DeKalb of Planning staff submitted a letter from the applicant requesting an additional two-week deferral in order to pursue further options.

Steward moved deferral, with continued public hearing and administrative action scheduled for May 15, 2002, seconded by Bills-Strand and carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.

SPECIAL PERMIT NO. 1970
FOR AUTHORITY TO SELL ALCOHOL FOR
CONSUMPTION OFF THE PREMISES
AT SO. 48TH STREET AND RANDOLPH STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

Brian Will of Planning staff submitted a letter in opposition from the Principal of Lefler Middle School.

Proponents

1. **Rob Otte**, 201 No. 8th, Suite 300, appeared on behalf of the property owner and the applicant, Fast Break, Inc. This special permit application comes to the Planning Commission only by reason of one issue; that is, that the tape measure shows that this building is within 100' of a residential district. The ordinance does allow the property to be mitigated to lessen the impact if located within 100' of a residential district or residential use.

Otte advised that this is a building already under construction. The property was previously an old gas station and car wash business. This owner has completely razed that site, brought in new dirt and started construction of a convenience store, seeking approval of the neighbors and the city.

First, Otte agrees that it is critical to have neighborhood support. He showed a map indicating support from five neighboring property owners that have signed a petition which reads:

We would like to express support for a full-service convenience store at 48th and Randolph. This would include a license for off-sale beer. The convenience store is a very welcome addition to our neighborhood, and your support would be appreciated.

Otte indicated that Chuck Salem, President of Fast Break, has met with the neighborhood association and has received resounding support for this facility at this location.

The applicant has submitted a mitigation plan showing a 15' buffer area on the east side of the property which will have nice landscaping plantings. There will be a fence and adequate screening. The store faces towards the corner of 48th & Randolph, shielding some of the neighbors. The neighbor immediately south of this store is delighted and agrees with the screening plan. The retaining wall has also received his support and endorsement.

Otte acknowledged that there are a couple of schools--elementary and junior high--a few blocks away. However, Otte pointed out that Belmont, Clinton, Elliott, Cavett, McPhee, Lakeview, Rousseau and Sheridan are all no further than 3 blocks from a business with an off-sale liquor license. Some are within one block. This isn't something new. Lincoln Lutheran, Goodrich, Scott, Mickle and Dawes are all within at least four blocks of a business with an off-sale liquor license. Otte suggested that these are probably not all of the examples.

Otte went on to state that Chuck Salem has been in this business for a long period of time. The beer sales do not occur at 9:00 a.m. or 2:30 to 4:00 p.m. Most of the beer sales are happening in the evening or on the weekends. Otte is not attempting to under-emphasize the impact, but he suggests that the impact on school children walking by or residents from Tabitha is really not a big issue in reality.

Most importantly, Otte noted that there was a big article in the paper about the Town Hall meeting last night and the city is talking about roads and traffic. Fast Break is on 48th & Randolph. If you want to keep people off the streets, keep traffic from a very busy 48th Street; and keep traffic from 48th & "O" and off of 40th & Randolph, one way is to allow this to be a full-service convenience store where people can walk.

Otte further advised that Salem Oil has been in business in Lincoln for about 46 years. During that time, Salem Oil has never had an alcohol complaint and has never had a tobacco complaint. The most recent report from the Health and Police Departments regarding a compliance check in 2002 at 69 locations, indicates that Salem Oil has not sold tobacco or liquor to minors. The operator of this store makes it a quality Lincoln business.

Otte submitted that the question is, what's the hurdle? He understands the concern with the proximity of stores that sell alcohol to neighborhoods, but the ordinance allows a hurdle to be set, and he believes that this particular convenience store clears that hurdle by a large margin because of the construction of the store; the investment in the local neighborhood; the screening that has been done; and because this building has been designed not just as a flat roof building but with a big glass atrium. The owner has gone beyond the call of duty in trying to mitigate everything possible on this site. Beer sales are not a significant part of any convenience store, but a full service convenience store should be supported in this particular instance.

2. Chuck Salem, the applicant, understands that the first step taken by the Police Department on this kind of application is to measure the distance from a residence to the store, and this is the issue to which this applicant cannot comply. He has been told that the Police Department automatically recommends denial if the site is within 100' of a residential use. He also believes that the Planning staff recommends denial to concur with the Police Department. Salem requested that the Planning Commission consider the overall project. Salem has been doing these stores for awhile—he believes he knows what he is doing, he

believes he does a good job, and he works hard to comply with all of the laws, particularly concerning the sale of alcohol and tobacco to underage customers.

Salem referred to the letter in opposition from the Principal of Lefler Middle School. He did contact the Principal just before this meeting and they have agreed that regardless of the outcome of this special permit, they will meet and talk about several subjects, including finding a way to lessen any problems for the children walking up and down 48th and how to handle those kids when they come into the store. He believes they will be able to find a way to lessen the impact. Salem hired a part-time employee to watch the walking pattern of the school children on two consecutive school days and found that there were about 24-25 kids walking up 48th Street from Lefler Middle School—not the 70 as mentioned in the Principal's letter. He believes this is typical of what is found in other neighborhoods and other parts of the city. At the time these kids were walking past the store (3:00-3:45 p.m.), it would not be the big traffic time for any of the customers that might purchase beer. Salem is not dismissing the fact that they will have lots of customers—it is just that the beer license probably will not make a big difference.

Salem also advised that he sells the beer out of a “beer cave” which is a room by itself with an automatic door, so the beer will be segregated away from where the children might be shopping.

Steward inquired whether Salem has gone through the permit distance waiver process on any of his other establishments. Salem indicated that he has one before the City Council now out near the airport, 3100 N.W. 12th, but it did not need the waiver of the 100' distance from residential. Steward suggested, then, that Salem was aware that this distance requirement existed when he developed this property. Salem indicated that he was not aware of this until 60 days ago after he was well into the project. He received a building permit back on October 31st for Brester Construction to begin construction. Perhaps mistakenly he took that signature on that building permit to mean that the property was appropriate for a convenience store. However, Salem believes he has done all he can to mitigate those circumstances. The special permit language allows this mitigation. He believes they have done a good job of mitigation.

There was no testimony in opposition.

Bills-Strand asked staff to respond to the proposed mitigation plan. Brian Will of Planning staff stated that it does meet and actually exceeds the requirements of the zoning ordinance relative to the required screening. However, the staff recommendation has not changed from denial based upon the separation distance and the review comments from Police. The staff does not believe the landscaping mitigates the close proximity to residential uses.

Bills-Strand wondered if the Police would recommend denial even if all of the neighbors were in support. Will assumes that would be the case but he could not really speak for the Police Department.

Taylor inquired whether there is any way that an applicant should be unconditionally aware of this type of restriction prior to getting a building permit. Will advised that the process for a convenience store starts with the Building & Safety Department. It is not necessarily assumed that alcohol sales would be part of a convenience store. The staff has discussed making some changes to the process to avoid this problem in the future.

Bills-Strand wanted to know how many other special permits allow for off-sale within 100' of a residence. Will did not know, but there are some. Ray Hill of Planning staff advised that some of the stores that you see next to residential areas are pre-existing so they may not have had to go through the special permit process. That process was only introduced within the last 5-10 years.

Response by the Applicant

Otte has talked with the Police Department and he was advised that they will recommend denial anytime the facility is less than 100' from residential. Otte believes that this rule got instituted because there have been some abuses. The Planning staff could point to a couple of other individuals or businesses that abused the privilege. In this case there is not any abuse.

Otte also wonders whether not having a permanent planning director may mean that the staff is taking a position of supporting the Police Department as opposed to using some discretion. This applicant is coming to the Planning Commission for that discretion. The last time Salem Oil built a facility, this ordinance was not in place and Salem was not advised such by the Building & Safety Dept. This is a relatively new ordinance.

Will advised that the ordinance came into effect around 1994.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 1, 2001

Steward moved to deny, seconded by Carlson.

Steward believes we have this ordinance in place out of respect for the neighborhoods and for the residential districts. In the early 1990's there was considerable difficulty with control of liquor sales and this was one means of trying to gain more public control of where and how and under what circumstances liquor would be sold. He is sure that there are commercial

enterprises in this community that do an excellent job and need no regulation, but this Commission has turned down applications that were further away than this one but still less than 100'. His public view is that it is an ordinance that says 100', and if it is 98' it does not comply. He does not believe that the staff recommendation supporting the Police Department has anything to do with having an interim planning director.

Duvall commented that he used to be the President of the 40th & A Neighborhood Association. He does not believe it is necessary for a convenience store to have liquor when it is in close proximity to a church, housing or schools. There is a competitor across the street without a liquor license and he thinks all things should be equal.

Taylor commented that he is glad that the convenience store is being built there because it was a blighted area. He does not believe it will have any problem with the competition in the area. There are residents in Tabitha and he is concerned about their plea at the last hearing. It is difficult for him to endorse something that is not really a positive. He does not believe that liquor sales are a positive, especially in a residential area. He does not believe that five residents can negate 25 students that go past the facility. He believes the convenience store will be successful whether there are liquor sales or not.

Larson will vote against the motion because: 1) the immediate neighbors are in support; 2) the fact that it is off-sale rather than on-sale; and 3) the record of the company for all these years.

Bills-Strand believes this applicant has come up with an excellent mitigation plan and they have the support of the neighbors.

Schwinn indicated that he will always support these applications.

Motion to deny carried 6-3: Carlson, Taylor, Duvall, Newman, Krieser, and Steward voting 'yes'; Larson, Bills-Strand and Schwinn voting 'no'.

ITEMS NOT ON THE AGENDA:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

1. Craig Groat appeared to discuss quality jobs. He believes it is very critical for the Planning Commission and City Council to have a basic understanding of what goes on below their level on creating quality jobs in this city. He submitted a report entitled, ***New Rules for the National Economy***. This report came out in 1998 and he presented it to both the Planning Commission and City Council at that time. The primary author has spoken on public radio on quality development. Educational Testing Service is a private educational testing

and measurement organization and a leader in educational research. At one time, our city had basically an office economy and when we went through the recession it was slightly affected and our city has become more dependent on sales tax. He talked with Duncan Associates about their excellent infrastructure financing study. They found that our city has reached its saturation point on commercial development. Commercial development and light industry is highly promoted by the Chamber and LIBA to the exclusion of other jobs.

Groat then recited from the Educational Testing Service report. Office economy has risen and industrial economy has fallen. High skilled services have become more important components of our economy. As the education of the work force has risen we have seen decline in less skilled jobs. This loss is offset by gain in elite jobs. The share of good jobs remain constant. Most office jobs fall into the elite and good categories. The top tier of elite jobs includes managers and professional. The middle tier includes supervisors in industrial and non-industrial settings, etc. The bottom tier of less skilled jobs requires the least education and training and is the lowest paid. This is what has been promoted by the Lincoln Chamber and LIBA with the assistance of the Planning Commission and City Council to a great detriment of our city. He wants to change the philosophy of our economic growth.

There being no further business, the meeting was adjourned at 4:00 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 15, 2002.